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New Laws Crack Down on Urban Paul Bunyans

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SAN FRANCISCO, Jan. 29 — As trees go, the pair of scraggly-looking Monterey cypresses sitting on a crest on Telegraph Hill are somewhat pitiful, even downright forlorn. But in a city where some movie stars bear wings, even ordinary trees can be transformed into a cause célèbre.

The trees are a favorite feeding spot and hawk lookout point for the now-famous wild parrots of Telegraph Hill (see the movie, read the book). In recent weeks, the removal of three adjoining trees by an absentee property owner and the resulting brouhaha — including the spectacle of the parrot author Mark Bittner throwing himself in front of a chain saw — prompted San Francisco officials to amend the city's Urban Forestry Ordinance to allow significant trees to be designated landmarks, including those on private property.

The amendment, which takes effect in February, treats trees much like historic buildings. It would place San Francisco squarely in a growing movement, from suburban Washington to Los Angeles, to protect mature urban trees — and in some communities, make it a crime to chop them down.

Once a cause for genteel women's clubs bent on beautification, the new get-tough stance on trees is largely a result of real estate. A study of three dozen cities using satellite imagery by the nonprofit group American Forests, completed two years ago, found that over the past 25 years, cities have lost up to 30 percent of their tree canopy to development

San Francisco's tree canopy hovers at a slim 11.9 percent of the city's surface area, compared with New York's 21 percent and Washington's 28.6.

The loss of the so-called urban forest, said Deborah Gangloff, the group's executive director, is the result of sprawl, budget cuts and street widening, among other factors. The average city street tree lives 7 years compared with 60 years in a park and 150 years in a forest, the group's research shows.

"They're stuck in a concrete box, get bikes chained to them, with dogs relieving themselves and cars hitting them," Ms. Gangloff said. "They don't have room to grow because of power lines and sewer

pipes. It's a hard life."

The avian drama in San Francisco follows a tree war that unfolded along the Potomac River in Montgomery County, Md. Last month, the Montgomery County planning board reached a settlement with the Washington Redskins' owner, Daniel M. Snyder, and his wife, Tanya, for clear-cutting some 130 view-obstructing dogwoods and other trees on their verdant riverfront estate.

The couple's neo-Georgian palazzo sits on land bounded by the C Chesapeake & Ohio Canal National Historic Park, which is run by the National Park Service. The county fined Mr. Snyder $37,000 for clear-cutting without a permit and ordered him to plant some 600 saplings. A spokesman for Mr. Snyder declined to comment.

Inspired by Mr. Snyder's Paul Bunyan move, the Montgomery County Council voted to triple the penalties for willfully violating the county's Forest Conservation Law and make it a criminal offense punishable by up to six months in jail.

"This problem is enormous and growing," said Howard A. Denis, a Republican Council member. "It's a quality of life issue. No one has the right to desecrate property and leave the county with a net loss of trees."

The tear-down phenomenon, in which trophy homes subsume suburban lots, has put new pressure on large "patriarch" trees, said Dave Docter, the managing arborist for Palo Alto, Calif. "Communities are scrambling to enact laws to mandate proper review," he said.

Named for a 1,000-year-old redwood, Palo Alto is a microcosm: in 1992, the demolition of a beloved Queen Anne Victorian and its surrounding oaks, planted in the 1920's on then-dirt streets, prompted an emergency oak-tree-cutting moratorium; six years later, spurred by the unprecedented demolition of older homes, the city expanded its tree ordinance to include private property.

The concerns are not just aesthetic: over the last decade, a host of studies have underscored the role of trees — especially mature ones — as "green infrastructure" that help reduce air-conditioning and energy costs, intercept storm water runoff, capture dust and other pollutants, curb the effect of greenhouse gases and increase property values. A study by the University of Washington even found that people shopped longer and more often in tree-lined retail areas and spent about 12 percent more money.

"Cities are beginning to recognize trees as capital assets just like roads, bridges and schools," said James R. Lyons, executive director of the Casey Trees Endowment Fund, a tree canopy restoration advocacy group based in Washington, and an under secretary of agriculture in the Clinton administration. "They're a significant investment that provides value to the city and residents. People don't think about them until they're gone."

A result, said Buck Abbey, an associate professor of landscape architecture at Louisiana State University, is "a kind of tree socialism" — a growing recognition "that a community's interest does not stop at the property line."

Professor Abbey has surveyed tree loss from Hurricane Katrina and written extensively on municipal tree ordinances. He said: "It's part of the recognition of community. The line between public and private property is not visible if a massive live oak is gone."

The tree wars seem likely to escalate along with stricter tree laws. In Los Angeles, for instance, the City

Council is about to consider an amendment to the city's oak tree ordinance, which protects native oaks at least eight inches in diameter. The expanded ordinance would include three other species — black walnuts, California sycamores and bay laurels — and protect more trees by reducing the diameter of a landmark tree to four inches.

Most notably, violators could be charged with a misdemeanor and, in extreme cases, have their building permit withheld for up to 10 years. The ordinance, moreover, would require developers to get a permit to knock down protected trees and replace them with new trees at a ratio of at least 2 to 1.

Paula Bagasao, co-founder of Proh-LA, a group dedicated to protecting property rights on hillsides, especially vacant lots, called the ordinance "a backyard building moratorium" that would delay projects and add unnecessary costs. She finds the inclusion of black walnut trees particularly irksome.

"These nuts fall all over East L.A., sending up all this black stuff and giving birth to little walnut trees," she said. "The nuts fall on peoples' heads at parties. The walnut tree is not an endangered species."

The City of Charlotte, N.C., requires developers to preserve 10 percent of a subdivision's area in trees and also save all "heritage trees" approaching the size of those in the North Carolina state list of "champion trees." The state lost 1.2 million acres of urban forest between 1990 and 2002, nearly three-quarters of it because of urbanization, according to American Forests.

Mark Baldwin, executive vice president of the Home Builders' Association of Charlotte, said the policy "creates an inconvenience for the developer as far as density, but it certainly pays off in the price of the homes." The extra costs of "tree saves," he added, are passed on to the homeowner.

Here on Telegraph Hill, the ruckus over the parrots' cypress trees — leafy equivalents of the mansions of the stars — has underscored the somewhat precarious status of the city's trees. Despite its green, tree-hugger reputation, San Francisco, built partly on windswept sand dunes and deforested during the Gold Rush, has never been lush with trees. In contrast to New York, the majority of street trees here are not maintained or even planted by the city; it is up to individual property owners to plant trees.

The new ordinance would allow the Board of Supervisors to designate landmark trees anywhere in San Francisco, including those harboring significant wildlife. John Cowen, the property owner who cut the three cypress trees, said he felled them for safety and liability reasons.

"Everyone is freaked out about the urban canopy producing oxygen and habitat for this and that," Mr. Cowen said. "But these trees are rotten."

The skirmish between Mr. Cowen and Mr. Bittner, the author, and Judy Irving, the maker of the parrots film, became so fraught that Mayor Gavin Newsom sent his director of city greening, Marshall Foster, in as an intermediary.

Mr. Foster said that he had worked out a five-year plan to eventually replace the cypress trees with new ones, and that a community group had offered to subsidize pruning in the meantime. He conceded that the soap opera among the cypresses was a human one. "The parrots are oblivious," he said.